GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:2344
ANSWERED ON:25.07.2014
ADVERTISEMENTS OF DRUGS AND HEALTHCARE/ FOOD/ BEVERAGE PRODUCTS
Nayak Shri B.V.

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of the rules/guidelinesformulated by the Government to regulate advertisements relating to drugs andhealthcare/food/beverage products in the country;

(b) whether the Government has takennote of exaggerated and misleading advertisements of certain drugs andhealthcare/food/beverage products in print and electronic media and if so, the detailsthereof;

(c) whether the Government hasascertained the authenticity of the claims made by such advertisements prior to theirapproval and if so, the details thereof andif not, the reasons therefor;

(d) the action taken/proposed to betaken by the Government against manufacturers/companies for suchexaggerated and misleading advertisements during the last three years and the currentyear, and

(e) the fresh measures being taken bythe Government to curb exaggerated and misleading advertisements of drugs andhealthcare/food/beverage products in thecountry?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. HARSH VARDHAN)

(a): (i) The advertisements relating to drugs are regulated under the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the Drugs and Magic Remedies (Objectionable Advertisements) Rules, 1955 made thereunder.

(ii) The availability of safe and wholesome food for human consumption is regulated by the Food Safety and Standards Act, 2006. Section 23, 24, and 53 of the Food Safety and Standards Act, 2006 lay down the provisions regarding packaging and labelling of food products, restrictions on advertisement and prohibition as to unfair trade practices, and penalty for misleading advertisements of food products respectively. The Food Safety and Standards (Packaging and Labelling) Regulations, 2011, stipulate the labelling and packaging requirements of food items.

(b) to (d): (i) The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 is administered by the State Governments, which are empowered to take action in respect of complaints for violation of its provisions. Similarly, the enforcement of the Food Safety and Standards Act, 2006, Rules and Regulations, 2011 made thereunder primarily rests with the State/UT Governments. Various State/UT Governments take cognizance of violations of provisions of the aforesaid Acts and Rules. However, the details of such violations are not compiled / maintained centrally.

(ii) The Food Safety & Standards Authority of India established under Section 4 of the Food Safety and Standards Act, 2006, along with State /UT level authorities, monitor the labels on various food items and claims advertised for food items by different companies in print and electronic media.

(iii) The Food Safety & Standards Authority of India has taken action against 19 companies for misleading advertisements/claims about their food products for violation of Section 24 of the Food Safety and Standards Act, 2006 and the Food Safety and Standards (Packaging and Labelling) Regulations, 2011.

(e): The Food Safety & Standards Authority of India releases advertisements in print and electronic media about the misleading advertisements, importance of safe food, food adulteration, etc. to increase public awareness about misleading advertisements.